

# News

## **School Health and School Nurse Services**

Iowa Department of Education

**May 2009**

### **Contents**

**Congratulations to Iowa School Nurses**

**Back to School ICN**

**FERPA-Response to ISNO Presentation**

**Kindergarten Entry 2009**

**Healthy Kids Act**

**Practice prudent decision-making**

**Glove Recommendation**

**Resources**

### **Congratulations to Iowa School Nurses**

**Rhoda Shepherd**, Cedar Rapids CSD-National Association of School Nurses elected Secretary/Treasurer designee

**Jean Phillips**, Des Moines Independent CSD-Iowa School Nurse Organization School Nurse Administrator of the Year

**Connie Barry**, MOC-Floyd Valley CSD-Iowa School Nurse Organization School Nurse of the Year

### **2009 GREAT IOWA NURSES:**

**Connie Barry**, MOC-Floyd Valley CSD

**Mary Hill**, Fairfield CSD

**Twyla Kleen**, Storm Lake CSD

**Molly Korver**, Sioux Center CSD

**Judy Mully**, West Liberty CSD

**Sharon Yearous**, Mt. Mercy College, Cedar Rapids

### **School Nurse and Back-to-School 2009**

ICN, Friday August 7, 2009, 9:00 a.m.-12:00 noon

**Purpose:** Discuss new and emerging topics for School Nurses in the 2009-2010 school year. Agenda includes 2009 legislation, H1N1 report, American with Disabilities Act, USDA School Food Special Diets, Medication Management Survey, and more.

Please send topic suggestions for the ICN session to [charlotte.burt@iowa.gov](mailto:charlotte.burt@iowa.gov). Reserve your site and register at

[http://www.iptv.org/iowa\\_database/event-detail.cfm?ID=9680](http://www.iptv.org/iowa_database/event-detail.cfm?ID=9680)

### **Novel Influenza A (H1N1)**

The Iowa Department of Education Novel Influenza A (H1N1) website information is posted at <http://www.iowa.gov/educate>.

Links to the Iowa Department of Public Health (IDPH) and the Centers for Disease Control (CDC) provide accurate up-to-date information about the H1N1 flu. Please check the Websites frequently for updates. Any immediate statewide information for schools will be provided through email from the Iowa Department of Education Director Judy Jeffrey. Novel Influenza A

(H1N1) Daily Updates for Iowa and U.S. at <http://www.idph.state.ia.us/h1n1/>,

<http://www.idph.state.ia.us/h1n1/schoolsandchildcare.asp>, <http://www.cdc.gov/h1n1flu/update.htm#statetable>, and

<http://www.cdc.gov/h1n1flu/update.htm>

### **Family Educational Rights and Privacy Act (FERPA)**

FERPA is a Federal law protecting the privacy of student education records and applies to all schools receiving funds under a U.S. Department of Education applicable program. FERPA gives parents certain related to their children's education records.

These rights transfer to the student, "eligible student", when they reach the age of 18 or attend a school beyond the high school level (20 U.S.C. § 1232g; 34 CFR Part 99). The term "education records" is defined as all records, files, documents and other student information directly related to a student and maintained by the education agency or institution, or by a person acting for such agency or institution (34 CFR § 99.3). For PreK-12 students, health records maintained by an education agency or institution are considered education records and subject to FERPA, including immunization records and school nurse records.

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school.
- Parents or eligible students have the right to request a school correct records they believe inaccurate or misleading.
- Generally, schools must have written permission from the parent or eligible student to release any information from a student's education record. FERPA allows schools to disclose records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest;
  - Other schools to which a student is transferring;
  - Specified officials for audit or evaluation purposes;
  - Appropriate parties in connection with financial aid to a student;
  - Organizations conducting certain studies for or on behalf of the school;
  - Accrediting organizations;
  - To comply with a judicial order or lawfully issued subpoena;
  - Appropriate officials in cases of health and safety emergencies; and
  - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school. Additional information at <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

**Note: Memo at the end of the NEWS.**

## Kindergartner Entry Fall 2009

**Immunizations:** Incoming Kindergartners required immunizations include a fifth dose of DTaP; a fourth dose of Polio; and a second dose of Varicella for those born on or after September 15, 2003, unless the applicant has a reliable history of natural disease. Immunization Program, Iowa Immunization Administrative Code at

<http://www.idph.state.ia.us/adper/immunization.asp>

**Dental:** All children entering elementary and high school submit a dental screening and will not be excluded from school if a screening is not submitted. Information at [http://www.idph.state.ia.us/hpcdp/oral\\_health\\_school\\_screening.asp](http://www.idph.state.ia.us/hpcdp/oral_health_school_screening.asp)

**Student Eye Care:** A parent or guardian who registers a child for kindergarten or a preschool program is given a green student vision card provided by the Iowa Optometric Association. Order vision cards (bottom of page click on order green vision cards) at <http://www.iowaoptometry.org/#>

**Lead:** District submits an electronic spreadsheet of kindergartners to IDPH within the start of school. IDPH matches the list with the list of children and will notify the school of the children who have not met the blood lead testing requirement. Information and spreadsheet at [http://www.idph.state.ia.us/eh/lead\\_poisoning\\_prevention.asp](http://www.idph.state.ia.us/eh/lead_poisoning_prevention.asp)

## Healthy Kids Act – Iowa Administrative Code (IAC)

On April 30 the State Board of Education adopted the IAC to implement details of the Healthy Kids Act. The three content areas of the rules are CPR, physical activity, and nutrition content. Text of the adopted rules is available on the Iowa Department of Education's website at [http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=75&Itemid=1](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=75&Itemid=1). Chapter 12 covers CPR and physical activity and Chapter 58 covers the nutrition content standards. Frequently asked questions regarding this law will be available soon on the Iowa Department of Education (DE) Website. Please check the DE Website for further information. Source: School Leader Update, May 2009 <http://www.iowa.gov/educate>

## Practice Prudent Decision-Making

The determination if a student in a special education can be denied the opportunity to participate in regular education field trips must be made on an individual basis (34 CFR 104.34). A legal compliance specialist advised following three easy steps for individualized planning:

- **First step:** If there is a concern about whether a student's disability may prevent him from participating in an activity, it should convene a team meeting to consider the student's individual needs.
- **Second step:** If the team determines the student's disability impacts the ability to participate in the activity, the team should determine whether the provision of aides and services will address the disability, related concerns, and enable the student to participate.
- **Third step:** The team determines how the school will provide the necessary aides and services during the activity to enable the student to participate. For example, if a student with diabetes needs insulin administration, the school should provide the administration service so the student may participate in the field trip. If the district does not have the service available, they could consult with outside agencies that provide contracted services. Source: March 17, 2008, LRP Publications

## Glove Recommendation

A school nurse inquired about the requirements for gloves used in school as protective equipment. It is recommended the gloves are labeled on the package for medical use; this is required in DHS accredited settings.

## Resources

**Chemical Management in School-EPA.** The Schools Chemical Cleanout Campaign (SC3) aim is to ensure all schools are free from hazards associated with mismanaged chemicals. SC3 gives K-12 schools information and tools to responsibly manage chemicals. Website <http://www.epa.gov/osw/partnerships/sc3/>

**Diabetic Care Tasks as School: What key Personnel Need to Know.** Diabetic care tasks training modules include the basics, glucose monitoring, glucagon administration, insulin administration, and more. Recommended by School Nurse Manager, Marilee Tarkett, Black Hawk County Health Department, Waterloo  
<http://www.diabetes.org/advocacy-and-legalresources/discrimination/school/schooltraining.jsp>

**Food allergies in Schools.** USDA and the School Nutrition Foundation present a 3-part free webinar series on **Managing Food Allergies in Schools**. The first part, Managing Food Allergies in Schools: Understanding the Fundamentals was broadcast on April 29, and is available for viewing online. Part 2, Managing Food Allergies in Schools: Developing Policy will be broadcast on May 27 and part 3, Managing Food Allergies in Schools: Implementing Policy on June 3. These sessions are free and open to the public. Materials and registration at website <http://www.schoolnutrition.org/Content.aspx?id=12090>

**Iowa Code and Iowa Administrative Code.** <http://www.legis.state.ia.us/>

**Iowa Compass.** Disability information and referral to connect people to programs 1-800-779-2001 [www.iowacompass.org](http://www.iowacompass.org)

**Medicaid Provider Manual Revisions.** Revisions to the Local Education Agency Medicaid Provider Manual and to the Infant and Toddler Program Medicaid Provider Manual and a summary of the key changes are available on line for download. Through the Iowa Department of Education website, link from the Medicaid section  
[http://www.iowa.gov/educate/index.php?option=com\\_content&task=view&id=717&Itemid=1597](http://www.iowa.gov/educate/index.php?option=com_content&task=view&id=717&Itemid=1597)

Scroll to "Medicaid Provider Manual" and click, at the Iowa Department of Human Services Office of Policy Analysis "Policy Manuals – Iowa Medicaid" Scroll to Infant and Toddler Program or Local Education Agency and click. To request assistance, guidance or a presentation, please contact Jim Donoghue, Iowa DE, 515-281-8505, [jim.donoghue@iowa.gov](mailto:jim.donoghue@iowa.gov)

**School Leader Update.** Monthly publication containing information and resources for school leaders.  
<http://www.iowa.gov/educate/>

**Student Health Records and FERPA.** *Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records*, November 2008. Federal ED and HHS guidance on the relationship of HIPAA and FERPA. Summary-FERPA applies in schools not HIPAA.  
<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>  
<http://www.ed.gov/policy/gen/guid/fpco/doc/ferpa-hippa-guidance.pdf>

## Iowa School Nurse Mailing List

The Iowa School Nurse (iowasn) Mailing List is a communication tool for Iowa School Nurses. The Mailing List is the Department of Education link with school nurses allowing communication via email messages. Iowa School Nurses can use the mailing list to request information, share news and initiatives, and receive news. School nurses joining the iowasn mailing list add their email address to the online school nurse mailing list and can send messages to all members at any time. When messages are posted, the message automatically goes to everyone on the list.

To join the mailing list, send a blank email to:

[join-iowasn@lists.ed.iowa.gov](mailto:join-iowasn@lists.ed.iowa.gov)

To cancel the mailing list, send a blank email to:

[leave-iowasn@lists.ed.iowa.gov](mailto:leave-iowasn@lists.ed.iowa.gov)

To send a message to other school nurses on the list, type title in subject, message in the body, and send to:

[iowasn@lists.ed.iowa.gov](mailto:iowasn@lists.ed.iowa.gov)

No other commands are necessary and joining is free.

**When sending a message please include your school, address, phone number, and one resource you found for your question/comment. List members request the person who asks a question summarize responses then post the summary on the list.**

Please contact Charlotte Burt, Consultant with questions and comments at email, [charlotte.burt@iowa.gov](mailto:charlotte.burt@iowa.gov), phone, 515 281 5327.

## MEMORANDUM

To: Iowa School Nurse Organization      From: Carol Greta, J.D.

Re: Follow up on student records      Date: April 28, 2009

*Permission to reproduce and distribute for non-profit, educational purposes is granted.*

The purpose of this memorandum is to further respond to questions that arise at the April 17 ISNO meeting, as well as questions submitted after that conference regarding student records. As always, please feel free to contact me via phone at 515/281-8661 or email at [carol.greta@iowa.gov](mailto:carol.greta@iowa.gov).

### ***"Memory jogger" notes***

Notes made to yourself alone are not subject to FERPA (the Family Educational Rights and Privacy Act) if you do not share them with anyone except a substitute nurse. It does not matter where such notes are kept. The name "memory jogger" is completely and accurately descriptive of the purpose of these types of notes. Therefore, they have a limited shelf life. This is the type of note that is useful for a brief period of time only...a few weeks at the most. When not shared with anyone except a substitute nurse, memory joggers are not considered to be part of a student's educational record, so it does not matter where such notes are kept. (Of course, if kept where school personnel other than the school nurse and a substitute school nurse would have access, the note is now subject to FERPA.) Keep in your personal possessions until destroyed.

Example #1: Carol had an abortion Friday, and reports to the nurse the next Monday that she is spotting. Knowing that she will be out of the building Tuesday and Wednesday for a conference, the nurse makes a memory jogger note for the substitute nurse so the sub will know what is happening in case Carol comes to the nurse's office on Tuesday or Wednesday. The note is destroyed when the nurse returns on Thursday.

Example #2: Charlotte is diabetic, and her diabetes is severe enough that Charlotte wears a pump. Charlotte manages her disease well, and there have been no medical incidents. This is not an episodic medical situation; thus, any and all notes about Charlotte's health as related to her diabetes should NOT be memory joggers, but should be formal notes to Charlotte's cumulative folder or a healthcare file maintained by the nurse and available to all school staff with a legitimate need to know the information.

### ***Child abuse records and other sensitive information***

Sensitive information does not have to be kept at home. Such information is going to be reached by a subpoena no matter where the information is kept. And if it's kept at school, the fact that it falls under FERPA does not mean that all of the information has to be released. The Iowa Supreme Court has recently ruled that not even a parent is entitled to all information about their child when it would be contrary to the child's best interests to release it to the parent. Certainly abuse information where the parent is a suspected perpetrator of such abuse falls into this category of information that is not to be released to the parent.

### ***Transfer of records when a student transfers***

When a student transfers from one school district to another, a copy of the entire permanent record is sent to the new school district. A copy of any information in the student's cumulative file may also be transferred to the new school district. When determining what to copy to send along to the next school district, the school nurse should ask herself, "what information would I like to have about this child so I could serve the child's best interests?", and then make sure that information is sent.